IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15643 of 2005

Between:

Gorava Anjaneyulu S/o Nallappa @ Dubbanna

R/o Graladinne Village and Mandal,

Ananthapur District

..... PETITIONER

AND

1 The Commissioenr of Land Revenue

Andhra Pradesh at Hyderabad
2 The Joint Collector and Additional

District Magistrate, Anantapur
3 The Revenue Divisional Officer, Ananthapur
4 The Mandal Revenue Officer, Garladinne Mandla,

Anantapur District
5 Kurvuva Veeraiah S/o Ganganna

R/o Garladinne Village & mandal
Ananthapur district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate Writ or Writs, order or Direction, declaring the order dt 22-12-2004 in D.Dis E3/1250/2000 on the file of the 2nd Respondent and the order dt 18-6-2005 in Rc. No. 201/2005 (B) on the file of the fourth respondent, as illegal, arbitrary and without jurisdiction; award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.RANGA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Seeking a Mandamus, declaring the Order in Dis.No.E3/1250/2000, dated 22.12.2004 issued by the 2nd respondent and the Order in Rc.No.201/2005(B) dated 18.06.2005 issued by the

4th respondent, as illegal and arbitrary, the present writ petition is filed.

It is the case of the petitioner that he was the absolute owner of the land situated in Sy.No.464-1B, admeasuring Ac.4.87 cents of Garladinne village of Ananthapur District by virtue of assignment granted in his favour in the year 1997. He was working as Khalasi in South Central Railway and was getting salary of Rs.4,000/- per month. The Government also granted D-Form patta in respect of the said land after conducting a detailed enquiry. While so, the 5th respondent in order to grab away his land, filed a Revision before the 2nd respondent on a ground that the petitioner has been working in the Central Government and he is not entitled for the assignment of land. The 2nd respondent without considering the grievances of the petitioner and without going into merits as to whether the Revision filed by the 5th respondent is maintainable or not, hurriedly passed the impugned order dated 22.12.2004. Being aggrieved by the said order, the petitioner preferred an appeal along with stay application before the 1st respondent on 02.02.2005, but no orders have been passed by the 1st respondent even on his stay application. In the meanwhile, in pursuance of the order dated 22.12.2004, the 4th respondent issued 2nd impugned order dated 18.06.2005, threatening to evict the petitioner from the

land in question for purpose of resuming the same to the Government. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Admittedly, as against the impugned order dated 22.12.2004, the petitioner has preferred an appeal and it is pending consideration before the 1st respondent. The 4th respondent ought not to have passed the orders dated 18.06.2005 till the disposal of the appeal of the petitioner pending before the 1st respondent.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to dispose of the appeal dated 02.02.2005, preferred by the petitioner against the impugned order dated 22.12.2004, in accordance with law, within a period of 8 (eight) weeks from the date of receipt of a copy of this order. Till such time, the petitioner shall not be evicted from the land in question.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

ELIPE DHARMA RAO,J

Dated: 19.07.2005

Dsr

Note:

Issue order by wire at party's costs

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Land Revenue,

Andhra Pradesh at Hyderabad

2. The Joint Collector and Additional

District Magistrate, Ananthapur

3. The Revenue Divisional Officer,

Ananthapur

4. The Mandal Revenue Officer,

Garladinne Mandal, Ananthapur District

5. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies